

FILED

JAN 06 2009

BEFORE A HEARING OFFICER OF
THE SUPREME COURT OF ARIZONA

HEARING OFFICER OF THE
SUPREME COURT OF ARIZONA
BY RMA

IN THE MATTER OF A
SUSPENDED
MEMBER OF THE STATE BAR OF
ARIZONA,

Christopher L May,
Bar No. 022583

Respondent.

No. 08-1179, 08-1339

HEARING OFFICER'S REPORT

(Assigned to Hearing Officer 8L,
Harlan J. Crossman)

FINDINGS OF FACT

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona, having been first admitted to practice in Arizona on December 16, 2003. Respondent was originally admitted to practice in Tennessee in 1998.

2. Effective May 30, 2008, Respondent was placed on summary suspension from the practice of law by the State Bar Board of Governors for failure to comply with Rule 45, Ariz.R.Sup.Ct. This suspension remains in effect. The State Bar was appointed Conservator for Respondent in August 2008 in SBA Case No. 08-1245.

There was no response filed to the Complaint so an Entry of Default was made which means all things in the Complaint were deemed admitted.

COUNT ONE (File no. 08-1179/ State Bar)

1 **3.** Respondent filed a Notice of Appearance for defendant Dennis
2
3 Verheijde in State v. Verheijde, West Mesa Justice Court, Case No.
4 TR2007-176891 on December 19, 2007.

5 **4.** On March 4, 2008 Respondent and the defendant failed to
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7 appear for a scheduled hearing. Respondent filed a Motion to Continue &
8 Petition to Quash or for Non-issuance of Warrant on March 28, 2008. In the
9 Motion, Respondent contended that he had been beset by computer viruses
10 and that defendant's failure to appear was the result of not getting proper
11 notice from Respondent.
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13 **5.** On June 24, 2008, Respondent and his client again failed to
14 appear for a court hearing.

15 **6.** Respondent was still attorney of record for Mr. Verheijde,
16
17 despite his summary suspension from law practice.

18 **7.** The court's minute entry noted that the court had sent notice of
19 the court date to two different addresses for the Respondent and both came
20 back undelivered. The court also called Respondent's phone number and it
21 was disconnected. The court then called the defendant Mr. Verheijde who
22 advised that he had been trying to reach his attorney (Respondent) for a long
23 time. Mr. Verheijde had dropped by Respondent's office and there was a
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1 notice on the door that he was no longer there. Mr. Verheijde advised the
2 court he had paid Respondent \$3,000.00 for the representation.

3 **8.** Respondent did not refund or account to his client for any part
4 of the fee.

5 **9.** On July 14, 2008, the court appointed the Public Defender to
6 represent the defendant, Mr. Verheijde, and discharged Respondent as
7 attorney.

9 **10.** On March 20, 2008, Respondent filed a Notice of Appearance
10 in the matter of State v. Johnny Ray Castillo, CR2008-111054, Maricopa
11 County Superior Court.

12 **11.** Respondent remained as attorney of record for Mr. Castillo
13 despite his summary suspension from practice.

14 **12.** By minute order dated June 6, 2008, the court noted
15 Respondent failed to appear on June 4, 2008 and June 8, 2008 and set an
16 Order to Show Cause Hearing on June 10, 2008.

17 **13.** On June 10, 2008, Respondent again failed to appear. The
18 court ordered a civil arrest warrant for Respondent and set bail in the amount
19 of \$500.00. The court also withdrew Respondent as attorney of record and
20 appointed the Public Defender to represent Mr. Castillo.
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1 **14.** On June 3, 2008, during the period of his summary suspension,
2 Respondent made an oral motion to substitute as counsel in State v. Bobby
3 Smalley, Jr., Maricopa County Superior Court Nos. CR2008-111954 and
4 CR2005-122968. Respondent was directed to file a formal written Motion
5 for Substitution of Counsel, although the court did allow him to substitute as
6 counsel for defendant. At this hearing, the court set July 8, 2008 as the next
7 hearing date.
8

9 **15.** On July 8, 2008, Respondent failed to appear. The court set an
10 Order to Show Cause for July 11, 2008 on Respondent's failure to appear.
11 Respondent failed to appear at the July 11, 2008 hearing and the court issued
12 a Civil Arrest warrant for Respondent, setting bond in the amount of
13 \$500.00.
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15 **16.** The defendant, Mr. Smalley, had paid Respondent \$2,700.00
16 cash, at Respondent's insistence, for the representation. Respondent failed
17 to refund or account for any part of this amount to Mr. Smalley.
18

19 **17.** Respondent was the attorney of record for defendant
20 Christopher Gallego, case no. TR2007027503, Glendale City Court.
21

22 **18.** Mr. Gallego paid Respondent \$1,900 for the representation,
23 none of which has been refunded or accounted for.
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1 **19.** On June 8, 2008, while he was suspended from practice,
2 Respondent filed a Motion to continue the matter for thirty days; that motion
3 was granted.

4 **20.** On July 8, 2008, when Respondent failed to appear, Mr.
5 Gallego filed his own motion for a further continuance, as he had been
6 unable to contact his attorney, the Respondent, despite having left several
7 messages.

9 **21.** Respondent filed a Notice of Appearance in State v. Franks,
10 Maricopa County Superior Court No. CR2007-176344 on June 12, 2008,
11 after he was placed on summary suspension.

12 **22.** Respondent failed to appear on July 10, 2008 and was replaced
13 by other counsel.

14 **23.** Respondent failed to withdraw as attorney of record in Oddo v.
15 Oddo, Maricopa County Superior Court #FC2006-004444, following his
16 summary suspension.

17 **24.** Respondent failed to appear at the hearing scheduled on July
18 17, 2008 in the Oddo matter.

19 **25.** Respondent has failed to provide the State Bar a current street
20 address or telephone number, after he was locked out of his office on or
21 about July 2008.

1 **26.** On August 14, 2008, the Maricopa County Superior Court
2 appointed the State Bar as Conservator for Respondent, as he cannot be
3 located.

4 **27.** The Hearing Officer took testimony from two of the
5 aforementioned persons. (Gallegos and Bell, mother of Smalley). It was
6 clear from the testimony that the Respondent failed to appear in court,
7 failed to communicate with his clients; failed to refund unearned fees and
8 engaged in numerous acts of misconduct. His conduct has also been
9 prejudicial to the administration of justice and has subjected his clients,
10 opposing parties, and the courts involved, to unnecessary delay.
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13 **28.** Respondent failed to respond to an inquiry from the State Bar
14 dated July 18, 2008.
15

16 **29.** A Probable Cause Order was issued on August 20, 2008.

17 **COUNT TWO (File no. 08-1339/Judicial Referral)**

18 **31.** On November 5, 2007, Respondent entered an appearance on
19 behalf of defendant Samantha Black in Scottsdale City Court, case no. SC
20 2007037464. A pre-trial conference was set for December 20, 2007.
21

22 **32.** On December 20, 2007 neither defendant Black nor
23 Respondent appeared for the pre-trial conference. The court issued a
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1 warrant for the defendant's failure to appear and set bond in the amount of
2 \$500.00.

3 **33.** Defendant was arrested on the warrant in April 2008 and posted
4 bond in the amount of \$500.00. Another Pre-trial conference was scheduled
5 for May 1, 2008. Again, neither the defendant nor the Respondent appeared.
6

7 **34.** On May 6, 2008 the court received another Notice of
8 Appearance on behalf of defendant from attorney John Blischak. An order
9 was issued quashing the defendant's warrant and setting the matter for a
10 Trial Readiness Conference. Respondent, as attorney of record, was sent
11 notice of the court date.
12

13 **35.** On June 11, 2008, the court held the Trial Readiness
14 Conference. Respondent failed to appear. The defendant, Ms. Black,
15 advised the court that she had retained Respondent to represent her and had
16 paid him to do so. Respondent never contacted her about her case or
17 advised her of court dates, causing the warrants to be issued against her.
18 Respondent has not returned her phone calls and failed to refund her money.
19 Both Mr. Blischak and the Assistant City Prosecutor advised the court they
20 had been unable to contact Respondent and his phone number had been
21 disconnected.
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1 **36.** The bailiff attempted to call the Respondent during this court
2 hearing, but his voice-mailbox was full. Before the hearing finished,
3 Respondent returned the court's call. He appeared telephonically on the
4 record at that time, despite being under summary suspension.

5 **37.** Respondent acknowledged to the court by phone that he had
6 been paid to represent Ms. Black; that he had failed to appear for court dates
7 and that his failures to appear were "involuntary." Respondent further
8 advised the court he had become destitute and insolvent; was about to be
9 evicted from his home and office and could not access his files because of
10 damage to his laptop.
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13 **38.** Respondent admitted he had made no effort to advise the court
14 of his predicament and stated that he could not refund Ms. Black's money or
15 that of any of his other clients.
16

17 **39.** The court set an Order to Show Cause hearing for July 2, 2008
18 and advised Respondent of the date.

19 **40.** On June 13, 2008 the court issued a contempt citation based on
20 Respondent's failure to appear at the Trial Readiness Conference.
21 Respondent never filed a motion to withdraw from the representation in this
22 matter.
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1 **41.** Respondent appeared at the Order to Show Cause hearing on
2 July 2, where the court served the citation and advised Respondent of his
3 rights, including the right to an attorney. Respondent indicated he wished to
4 seek counsel and the hearing was continued until July 23, 2008.

5 **42.** On July 23, 2008, Respondent failed to appear and has had no
6 further contact with the court.
7

8 **43.** By letter dated July 30, 2008, Honorable Judge Wendy S.
9 Morton advised the State Bar of the foregoing facts.

10 **44.** By letter dated August 12, 2008, the State Bar notified
11 Respondent of the court's inquiry and requested information from him.
12 Respondent failed to respond to the inquiry from the State Bar concerning
13 this matter.
14

15 **45.** This Hearing Officer personally took testimony from Ms. Black
16 which clearly demonstrated the Respondent's failure to appear, failure to
17 communicate with his client, a total disregard for the courts, their calendars,
18 the Judges, and the administration of justice.
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20 **46.** A Probable Cause Order was issued for the above rules and
21 ERs on September 10, 2008.
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CONCLUSIONS OF LAW

1 As Respondent was properly served and noticed, and failed to respond
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3 to the complaint as required by the Rules, the allegations of the complaint
4 are deemed admitted. Rule 53(c)(1), Ariz.R.Sup.Ct., *In re Zang*, 158 Ariz.
5 251 (1988).

6 In both counts, Respondent has engaged in the unauthorized practice
7
8 of law while subject to summary suspension by the State Bar Board of
9 Governors.

10 In Count One, Respondent failed to provide competent representation
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12 to clients; failed to abide by clients' decisions and to consult with the clients
13 as to the means by which the objectives of the representation are to be
14 pursued; failed to act with reasonable diligence and promptness in
15 representing clients; failed to reasonably consult with the clients and to keep
16 clients informed about the status of their matters; failed to explain matters to
17 clients to the extent reasonably necessary to permit them to make informed
18 decisions about the representation; failed to charge reasonable fees; failed to
19 communicate to clients in writing the scope of the representation and the
20 basis or rate of the fees; failed to hold clients' property separate from his
21 own property; failed to deposit client advance fees into a client trust account;
22 failed to refund unused advance fees or to promptly render a full accounting
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1 to clients; failed to protect clients' interests upon termination of the
2 representation; failed to expedite litigation consistent with the interests of
3 the clients; knowingly made false statements of material fact or law to third
4 persons; engaged in the unauthorized practice of law; knowingly failed to
5 respond to lawful demands for information from bar counsel; engaged in
6 conduct prejudicial to the administration of justice; failed to keep his contact
7 information current with the Bar; refused to cooperate with the Bar; and
8 failed to comply with the provisions for notice upon becoming suspended
9 from the practice of law.
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12 Respondent's conduct in Count One violated Rule 42, Ariz.R.Sup.Ct.,
13 ERs, 1.1, 1.2(a), 1.3, 1.4(a) & (b), 1.5(a) & (b), 1.15(a), (c) & (d), 1.16(d),
14 3.2, 4.1(a), 5.5(a) & (b), 8.1(b), 8.4(d), and Rules 31(a)(2)(B), 31(b)&(c),
15 32(c)(3), Rule 53(d) & (f), and Rule 72, Ariz.R.Sup.Ct.
16

17 Respondent's conduct in Count Two demonstrates that he has failed
18 to provide competent representation; failed to consult with the client about
19 the objectives of the representation and the means by which they are to be
20 achieved; failed to exercise diligence; failed to communicate with his
21 client; failed to account for a fee or to refund the unused portion of the fee;
22 failed to withdraw from representation; failed to respond to the State Bar's
23 request for information; engaged in conduct prejudicial to the administration
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1 of justice; failed to maintain the respect due to the courts; engaged in
2 unprofessional conduct and violated the rules of professional conduct.
3 Respondent's conduct caused his client great anxiety and subjected her to
4 having warrants issued for her arrest and having to post bond. His conduct
5 also impacted the court in a negative fashion.

6
7 Respondent's conduct in Count Two violated Rule 42, Ariz.R.Sup.Ct.,
8 ERs 1.1, 1.2(a), 1.3, 1.4(a) & (b), 1.5(a) & (b), 1.15(a), (c) & (d), 1.16(d),
9 3.2, 4.4(a) 8.1(b), 8.4(d), Rules 41(c) and (g) and Rules 53(d) & (f),
10 Ariz.R.Sup.Ct.

11
12 The following persons are entitled to an Order of Restitution in the
13 following amounts:

- 14 a. Dennis Verheijde: \$3,000
15 b. Bobby Smalley Jr.: \$2,700
16 c. Christopher Gallego: \$1,900
17 d. Samantha Black: \$ 800
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20 **RECOMMENDED SANCTION**

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22 The State Bar recommends that Respondent be disbarred, that an Order
23 of Restitution be entered, and that Respondent be ordered to pay costs and
24 expenses incurred in this matter. This recommendation is based upon the
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1 applicable *ABA Standards for Imposing Lawyer Sanctions* (“Standards”),
2 1991 Edition, including the duty violated, the lawyer’s mental state, the
3 presence or absence of actual or potential injury, the existence of aggravating
4 and mitigating factors, and proportional case law. *In re Peasley*, 208 Ariz.
5 27, 33, 90 P.3d 764, 772 (2004); *Standard* 3.0.

6 7 **ABA STANDARDS**

8 This matter involves multiple charges of misconduct, with violations
9 of 18 ERs in Rule 42, and of seven other Rules. According to the ABA
10 *Standards* for Imposing Lawyer Sanctions, at page 7:

11
12 The *Standards* do not account for multiple charges of misconduct.

13 The ultimate sanction imposed should at least be consistent with the
14 sanction for the most serious instance of misconduct among a number
15 of violations; it might well be and generally should be greater than the
16 sanction for the most serious misconduct. Either a pattern of
17 misconduct or multiple instances of misconduct should be considered
18 as aggravating factors (see *Standard* 9.22).

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21 Accordingly, the Bar will focus on the *Standards* most appropriate for
22 consideration under the unique circumstances of this matter, rather than
23 recite all the applicable *Standards*.
24
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ERs 1.2, 1.3, 1.4:

Standard 4.4 Lack of Diligence

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving a failure to act with reasonable diligence and promptness in representing a client:

4.41: Disbarment is generally appropriate when:

(a) a lawyer abandons the practice and causes serious or potentially serious injury to a client: or

(b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or

(c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

4.42: Suspension is generally appropriate when:

(a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or

(b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

1 4.43: Reprimand (Censure in Arizona) is generally appropriate when a
2 lawyer is negligent and does not act with reasonable diligence in
3 representing a client, and causes injury or potential injury to a client.

4 ERs 1.5, 1.16, 5.5 & 8.1(b):

5 ***Standard 7.0* **Violations of other Duties Owed as a Professional****

6 Absent aggravating or mitigating circumstances, upon application of the
7 factors set out in Standard 3.0, the following sanctions are generally
8 appropriate in cases involving false or misleading communication about the
9 lawyer or the lawyer's services, improper communication of fields of
10 practice, improper solicitation of professional employment from a
11 prospective client, unreasonable or improper fees, unauthorized practice of
12 law, improper withdrawal from representation, or failure to report
13 professional misconduct:
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17 7.1: Disbarment is generally appropriate when a lawyer knowingly engages
18 in conduct that is a violation of a duty owed as a professional with the intent
19 to obtain a benefit for the lawyer or another, and causes serious or
20 potentially serious injury to a client, the public, or the legal system.
21

22 7.2: Suspension is generally appropriate when a lawyer knowingly engages
23 in conduct that is a violation of a duty owed as a professional, and causes
24 injury or potential injury to a client, the public, or the legal system.
25

1 7.3: Reprimand (Censure in Arizona) is generally appropriate when a
2 lawyer negligently engages in conduct that is a violation of a duty owed as a
3 professional, and causes injury or potential injury to a client, the public, or
4 the legal system.

5 ER 1.15 (Safekeeping Property):
6
7

8 ***Standard 4.1* Failure to Preserve the Client's Property**

9 Absent aggravating or mitigating circumstances, upon application of the
10 factors set out in 3.0, the following Sanctions are generally appropriate in
11 cases involving the failure to preserve client property:
12

13 4.11: Disbarment is generally appropriate when a lawyer knowingly
14 converts client property and causes injury or potential injury to a client.
15

16 **THE DUTIES VIOLATED**

17 The *Standards* identify four distinct categories in which a lawyer has
18 specific duties; to the client, to the general public, to the legal system and to
19 the profession. Respondent's duties to his clients, to the legal system, to the
20 public, and to the profession are all violated in this matter.
21

22 **THE LAWYER'S MENTAL STATE**

23 It must be said that Respondent's conduct in these matters was
24 intentional. It is clear from the findings that Respondent was aware he had
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1 clients involved in Court proceedings, that he had received fees from them
2 that he did not earn, that he was missing Court appearances, that being
3 evicted from his office and leaving no forwarding address or current phone
4 number would result in abandonment of his practice, and that the clients
5 would be injured by his conduct.
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8 **ACTUAL OR POTENTIAL INJURY**

9 Respondent's disregard for the Rules of Professional Conduct resulted
10 in actual or potential injury to his clients, as well as to the public, whom the
11 Rules are designed to protect, to the legal system, whose tribunals and
12 disciplinary authorities are entitled to and need honest compliance with the
13 Rules, and to the profession, the integrity of whose members is placed at risk
14 by such conduct.
15
16

17 **AGGRAVATION/MITIGATION**

18 Aggravating factors include:

19 *Standard 9.22(a):* prior disciplinary offenses. On August 20, 2008, an
20 Order of Restitution for \$2,700 was issued against Respondent on a finding
21 of violations of Rule 42, Ariz.R.Sup.Ct., ERs 1.1, 1.2, 1.3, 1.4, 1.5, 1.15,
22 1.16(d), 3.2, 4.1(a) and 8.4 in SBA No. 08-1233. To the best of the Bar's
23 knowledge, this remains unpaid. Respondent told Judge Morton on June 11,
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2008 by phone that he had become “destitute and insolvent” (Finding of Fact #37 above), and that he could not repay any of his clients (Finding 38).

Standard 9.22(b): dishonest or selfish motive. Over the course of several months, Respondent repeatedly accepted fees from clients, leading them to believe that he would represent them, only to abandon them, leaving them with no representation, no accounting for the fees paid, no refunds, and in cases such as Ms. Black (Count Two), arrested as a result of Respondent’s misconduct.

Standard 9.22(c): a pattern of misconduct. In matters #07-2159 and 08-0406, a Hearing Officer’s report recommends a one-year suspension plus restitution for “multiple instances of misconduct, including abandonment of clients and refusal to respond to State Bar inquiries.” The Disciplinary Commission considered the matter in Executive Session and issued its report on December 15, 2008, adopting the Hearing Officer’s recommendations. This is not yet prior discipline, but is offered because it demonstrates a pattern of the same kinds of misconduct that exist in this matter, as well as multiple offenses (*Standard 9.22[d]*).

Standard 9.22(e): bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the discipline

agency. Respondent has not contacted the Bar about any of these charges.

His mail has been returned undeliverable.

Standard 9.22(h): Vulnerability of the victims. All criminal clients are vulnerable when they are facing the loss of their freedom.

Standard 9.22(i): substantial experience in the practice of law. Although Respondent was admitted in Arizona in 2003, he had earlier been admitted in Tennessee in 1998. As a result, he has been in practice for ten years.

Standard 9.22(j): indifference to making restitution. Despite the Order of Restitution entered on August 20, 2008 in SBA No. 08-1233, it remains outstanding.

Mitigating factors: None.

PROPORTIONALITY

In re Sean Coe, 1/9/07 – SB- 06-0154D. In this matter a two count complaint and a six count complaint were combined. Three of the counts were judicial referrals where Respondent had continually failed to appear at hearings and was later removed from representation. The fourth count involved a paralegal who kept files for Respondent and became concerned that Respondent was not adequately representing his clients. The other four counts involved clients facing criminal charges. The Supreme Court found

1 disbarment appropriate as the record reflected that Respondent had
2 abandoned the practice of law; failed to communicate with his clients or
3 appear in court on their behalf.

4 Further, Respondent had not participated in the State Bar proceedings, which
5 showed a lack of respect for the disciplinary process. The Hearing Officer
6 found Respondent's state of mind was knowing/intentional and further
7 determined that there was serious injury or potential serious injury to many
8 of his clients. The Hearing Officer found the following factors in
9 aggravation: Prior disciplinary offenses (two previous IR's); dishonest or
10 selfish motive (based on intentional abandonment or accepting fees for work
11 he did not plan on completing); pattern of misconduct (practiced while
12 suspended in at least 26 cases); multiple offenses; Bad faith obstruction of
13 disciplinary process, and substantial experience in practice of law. No
14 mitigating factors were found.

15 *In re David Rogers*, 8/23/07-SB-07-0128D. In this matter,
16 Respondent was summarily suspended for failure to comply with MCLE
17 requirements. He was reinstated on two previous occasions, but was still
18 suspended for 2006. As in the present case, a conservator had been
19 appointed for his practice. This case involved three counts, one of which was
20 based on his practicing while suspended. The other two counts involved civil
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1 matters where Respondent was retained to represent the clients. Although in
2 the first count there was not total abandonment and Respondent did handle
3 the trial, there were numerous instances of failing to communicate with the
4 client; failing to respond to discovery and failure to hire an expert all of
5 which resulted in a large judgment against his client. In the second count,
6 Respondent allowed his client's case to be dismissed for failure to file a
7 disclosure statement among other things. He later agreed he would reimburse
8 the client the amount of the damages assessed against the client, which he did
9 not do, forcing the client to sue him and obtain a judgment. The Hearing
10 Officer determined disbarment was appropriate based on the seriousness of
11 the harm and also on Respondent's failure to respond to the State Bar
12 inquiries. "If Respondent is incapable or unwilling to comply with the duties
13 he owes in this disciplinary proceeding (including providing some
14 explanation for his conduct), it is logical to conclude, especially in light of
15 the findings made on Counts One and Two, that Respondent is incapable or
16 unwilling to fulfill any of the obligations owed by an attorney." The Hearing
17 Officer believed Respondent posed a danger to his clients.

18 *In re Jason Bryn*, 9/26/06 – SB 06-0127D. In the first count,
19 Respondent was hired by the clients to pursue an employment claim against
20 University Medical Center. He failed to do this, despite repeated requests
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1 from the clients. Respondent also failed to respond to the State Bar. In the
2 second matter, Respondent was paid \$2,000.00 to file and EEOC complaint.
3 He obtained a “right to sue” letter on behalf of the client, but did nothing
4 further despite repeated attempts to contact him by the client. Again,
5 Respondent failed to respond to inquiries from the State Bar. The third
6 matter also involved an employment dispute. Respondent accepted a
7 retainer, and then did nothing on behalf of the client despite repeated
8 attempts to communicate by the client. Respondent did not respond to State
9 Bar inquiries. Respondent had a previous suspension (six and one day)
10 based on the same activity as in the present case – lack of diligence; lack of
11 communication and lack of competence. The Hearing Officer determined
12 that disbarment was the presumptive sanction; he also found numerous
13 aggravating factors, but no mitigating ones.

14 *In re Stewart Hoover, 4/20/06-SB-06-0027D.* Respondent had
15 previously been disbarred. In this matter there were three counts. In each
16 count, Respondent undertook representation of the client and then later
17 abandoned them without refunding any money they may have paid. In each
18 instance, the Hearing Officer found that the clients sustained or potentially
19 sustained serious adverse consequences. The Hearing Officer found
20 disbarment appropriate, based on neglect and abandonment.
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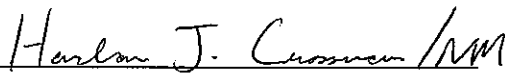
CONCLUSION

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.’” *In re Alcorn*, 202 Ariz. 62, 41 P.3d 600, (2002), quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.3d 75, 78 (1966).

This Hearing Officer believes that for the protection of Respondent’s clients, the public and the profession, and for the administration of justice, Respondent must be disbarred, and an Order of Restitution should be entered in the following amounts to the following persons: Dennis Verheijde: \$3,000; Bobby Smalley Jr.: \$2,700; Christopher Gallego: \$1,900; and Samantha Black: \$800.

In addition, Respondent should be assessed the costs and expenses incurred in these disciplinary proceedings.

DATED this 6th day of January, 2009.


Harlan J. Crossman
Hearing Officer 8L

Original filed this 6th day
of January, 2009, with:

Disciplinary Clerk of the Supreme Court of Arizona
1501 W. Washington Street
Phoenix, Arizona 85007

Copies of the foregoing mailed this 6th day
of January, 2009, to:

Christopher L May
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by: Gvelyn Loza